IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.06.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE V. DHANAPALAN

WRIT APPEAL NO.748 of 2006
and WAMP.No.1536 of 2006

The General manager
Southern Railway
Chennai 600 003. .. Appellant(Petitioner in WP.No.9660/99)

vs.

1. A.S. Duraiswamy

2. The Presiding Officer
   Central Government Labour Court
   Chennai. .. Respondents (Respondents in do)

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the Honourable Mr. Justice E. Padmanabhan, dated 07.10.2002 made in WMP.No.13756 of 1999 in W.P.No.9660 of 1999. (EP.No.9660/99 presented to this Court under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned award in C.C.P.54/92 dated 16.12.1996 on the file of the second respondent and to qush the same as illegal.)

For appellant : Mr.M. Sekar

JUDGMENT

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(Judgement of the Court was delivered by P. SATHASIVAM,J.)

The above writ appeal is directed against the order of the learned single Judge dated 07.10.2002 made in WMP.No.13756 of 1999 & WVMP.No.35395 of 2001 in Writ Petition No.9660 of 1999, in and by which the learned Judge, permitted the first respondent / workman to withdraw a sum of Rs.1,07,243.00 out of Rs.2,07,243.00.

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2. The order of the learned Judge shows that the first respondent/workman is aged about 70 years and requires funds for taking treatment. Taking note of these factual aspects, considering his age and ailment of the workman, permitted him to withdraw a sum of Rs.1,07,243.00. In the same order the learned Judge issued direction for investment of the balance amount of Rs.1 lakh in a fixed deposit for a further period of two years. In such circumstances, we are of the view that there is no ground for interference. On the other hand, the said order is reasonable and acceptable. Accordingly, the writ appeal fails and the same is dismissed. No costs. Consequently , connected WAMP., is also dismissed.

Taking note of the fact that the writ petition is of the year 1999, Registry is directed to include the writ petition for final hearing list before the concerned Judge dealing with the subject, within a period of two weeks.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Presiding Officer
   Central Government Labour Court
   Chennai.

2. The Section Officer,
   Writ Section, High Court,
   Madras.
(for listing the matter before the
Honourable Judge, within a period
of two weeks)

1 cc To Mr.M.Sekar, Advocate, SR.26933.

Writ Appeal No.748 of 2006

JRG(CO)
RVL 30.06.2006

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